IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Crl.MC.No. 732 of 2007()

CRIME NO.148/2007 OF PANDALAM POLICE STATION

PETITIONER: ACCUSED 1 AND 2

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1. PRASAD, AGED 30 YEARS,
   CHERAKKAROTTU VEEDU, ULANAD MURI,
   KULANADA VILLAGE, KOZHENCHERRY TALUK.

2. C.G.MURALEEDHARAN NAIR,
   CHERUTHURUTHIL, ANAMTHITTA, THUMPAMON.
   (REGISTERED OWNER KL-04/A 4127).

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT & STATE

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   PANDALAM POLICE STATION.

3. TAHSILDAR,
   ADOOR TALUK.

4. SECRETARY,
   PANDALAM GRAMA PANCHAYAT, PANDALAM.

BY PUBLIC PROSECUTOR S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.M.C.NO.732/2007

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Dated this the 16th Day of March, 2007

O R D E R

The petitioners who are accused Nos. 1 and 2 in Crime No.148/2007 of Pandalam Police station for offences punishable under Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001, seek to quash Annexure-I FIR and for ancillary reliefs including verification of Annexure-A3 pass issued by the Tahasildar and Pandalam Grama Panchayat.

2. Admittedly the vehicle was seized at 10.50 a.m on 13.3.2007. Original of Annexure-A3 pass produced before me shows that 10.45 a.m as the time, after which the pass becomes invalid. So technically speaking, at the time of detection the petitioner cannot legitimately contend that it was a valid pass entitling him to carry sand in the Mini lorry belonging to the second accused. Therefore, I am not inclined to quash Annexure-A1 FIR. It is now admitted that the lorry in question on its production before the Magistrate has been entrusted with the Pandalam police. It is very well open to the second petitioner to seek interim Custody of the vehicle under Section 451 Cr.P.C on satisfying the Magistrate about his

right to do so. Accordingly if the petitioner files an application for interim custody within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed.

With this observation, Crl.M.C is disposed of.

V.RAMKUMAR
JUDGE

mrcs